

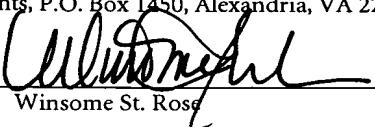
3 Rec'd PCT/PTO 06 FEB 2006

#5

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: Feb 2, 2006

By: 

Winsome St. Rose

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Gerd Haberhausen, et al.

) EXAMINER: Unassigned

SERIAL NO.: 10/534,955

) ART UNIT: Unassigned

FILED: December 2, 2003 (International Filing Date)

) Confirmation No. N/A

FOR: **METHOD FOR THE DETECTION OF  
PATHOGENIC GRAM POSITIVE  
BACTERIA FROM THE GENERA  
STAPHYLOCOCCUS, ENTEROCOCCUS  
AND STREPTOCOCCUS**

)

MISSING PARTS TRANSMITTAL

Mail Stop – Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450.

Sir:

In response to the Notice of Missing Parts of Application and Notification to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures of Application mailed December 23, 2005 (copy attached), applicants hereby submit the following:

- Executed Oath and Declaration.
- Copy of the Notice to File Missing Parts mailed December 23, 2005.
- Surcharge of \$130.00 as set forth in 37 CFR 1.16(e).
- Sequence Listings Amendment with Statement Under 37 C.F.R. § 1.821 – 1.825.
- CRF and Paper copies of the Substituted Sequence Listings (3 pages).

02/10/2006 ATRAN1 00000059 500812 10534955  
01 FC:2617 65.00 DA

The Commissioner is hereby authorized to debit Deposit Account No. 50-0812, in the amount of \$ 130.00, or any additional fee or credit overpayment.

Respectfully submitted,

Date: February 2, 2006



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Christopher Sappenfield  
Reg. No. 45,073

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Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

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PCT

U.S. APPLICATION NUMBER NO.

10/534,955

FIRST NAMED APPLICANT

Gerd Haberhausen

ATTY. DOCKET NO.

21518-US

INTERNATIONAL APPLICATION NO.

PCT/EP03/13545

I.A. FILING DATE

12/02/2003

PRIORITY DATE

12/06/2002

CONFIRMATION NO. 2633

371 FORMALITIES LETTER



\*OC0000000017713663\*

22829  
ROCHE MOLECULAR SYSTEMS INC  
PATENT LAW DEPARTMENT  
1145 ATLANTIC AVENUE  
ALAMEDA, CA 94501



Date Mailed: 12/23/2005

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/16/2005
- Copy of the International Search Report filed on 05/16/2005
- Copy of IPE Report filed on 05/16/2005
- Preliminary Amendments filed on 05/16/2005
- Information Disclosure Statements filed on 06/03/2005
- Biochemical Sequence Diskette filed on 05/16/2005
- Oath or Declaration filed on 05/16/2005
- Request for Immediate Examination filed on 05/16/2005
- U.S. Basic National Fees filed on 05/16/2005
- Substitute Specification filed on 05/16/2005
- Priority Documents filed on 05/16/2005

COPY

ROCHE MOLECULAR SYSTEMS

File No.	21518-US
Date/By	1-3-06
Attorney	SAP/HIL
Action	Missing Parts / Seq. List
Due Date	2-23-06
Final Date	6-23-06

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - does not identify the application to which it is directed.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27,

must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Surcharge.

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

Telephone: (703) 308-9140 EXT 211

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/534,955	PCT/EP03/13545	21518-US